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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,694	06/20/2006	Anton Oppel	2003P01958WOUS	3506

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1711

NOTIFICATION DATE	DELIVERY MODE
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02/24/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No.	Applicant(s)	
	10/583,694	OPPEL ET AL.	
	Examiner	Art Unit	
	JASON HECKERT	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15, 17, 20, 21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15, 17, 20-21, 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/15/10 has been entered.

Response to Arguments

1. Applicant's arguments filed 6/2/10 have been fully considered but they are not persuasive. The arguments in regards to Hechtl and claim 11 are maintained.
2. Due to the amendments to claim 21, the previous rejections, other than Hechtl, are rendered moot.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11 rejected under 35 U.S.C. 102(b) as being anticipated by Hechtl et al (Hechtl). Hechtl discloses a dishwasher comprising a door 2, a container 5 with an open side to be closed by said door, and a door seal 10. The door seal further comprises a fixing part 13 that is adapted for connection to the edge of the washing container at part 8 and a sealing element 15 adapted for

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mounting on an underside of the dishwasher door at part 22. The door seal itself comprises a strip 11. The fixing part, strip, and sealing element are constructed in one piece and contribute to the sealing effect on the edge of the washing container.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-15, 17, 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (2005/0257816) in view of Jordan (2005/0076938, filed 10/9/2003). Kim teaches a dishwasher with a door 210 and inner container, as is standard in the art. Also taught is a fixing area 217/240, a sealing element 230 with a tubular body, a sealing lip 231, a sealing strip 235, wherein the sealing element contacts the door. The lip creates a seal with the door. The gasket is formed of a soft synthetic resin having a predetermined elasticity and stiffness (paragraph 42), thus the lip is considered flexible. The fixing area is adapted for connection to the container, and the sealing element is adapted for contact to the underside of the door. The sealing strip is constructed free of any reinforcing means made of different materials. Kim does not disclose a fixing area being stationary relative to the container when the door is pivoted. Jordan discloses a fixing area 202 that does not move when the door is pivoted (see figure 6). Such fixing portion is U-shaped and fixed to the container. It would have been obvious at the time of invention to modify Kim and include the fixing portion of Jordan, which does not pivot, in order to connect a seal to the dishwasher.

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7. Claims 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Jordan in view of Hahn. Kim does not disclose retaining elements. Jordan discloses fastening means similar to the applicants, where in a U-shaped element fixes the fixing area to the container. Hahn teaches that such a U shaped element can include teeth 30 to grip the piece being fastened. It would have been obvious to one of ordinary skill at the time of invention to modify Kim, and include the fastening means of Jordan and Kahn, in order to fasten the seal to the container.

8. Claims 20, 24, 25, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Jordan. Kim teaches the hollow body. Absent a showing of unexpected results, changes in shape are held to be obvious. Changes in shape or form have been held to be obvious. In re Dailey 149 USPQ 47, 50 (CCPA 1966). Claims 24 and 26 regard mere changes in shape or form. Additionally, one of ordinary skill knows the value of structural ribs and reinforcing elements. Such modifications are considered to be trivial, absent a showing of unexpected results. It would have been obvious to change the shape or provide ribs, as such modifications are conventional.

9. Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Jordan and further in view of Thompson. Kim does not teach attachment with screws. Thompson teaches that pins or screws can be used to attach seals to home appliances (figure 4). It would have been obvious to one of ordinary skill at the time of invention to modify Kim in view of Jordan, and use screws as a means of fastening, as taught by Thompson, in order to fasten the seal.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art Unit
1711

JMH